

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

David Joseph Hodson,

Case No. 22-CV-1862 (KMM/ECW)

Plaintiff,

v.

REPORT AND RECOMMENDATION

United States of America,

Defendant.

Plaintiff David Joseph Hodson neither submitted the required filing fee nor applied for *in forma pauperis* (“IFP”) status upon commencing this action. In a letter dated July 22, 2022, the Clerk of Court informed Hodson that he would be required to pay the filing fee or apply for IFP status within 15 days, failing which this matter could be summarily dismissed without prejudice. *See* Dkt. No. 3.

That deadline has now passed, and Hodson has not paid the filing fee or applied for IFP status. In fact, Hodson has not communicated with the Court about this case at all since commencing this action. Accordingly, this Court now recommends, in accordance with the warning previously given to Hodson, that this action be dismissed without prejudice under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 Fed. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED that this action be DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: August 15, 2022

s/Elizabeth Cowan Wright
ELIZABETH COWAN WRIGHT
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).